

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 1:16-cr-300 (TSE)
	)	
DAMASO LOPEZ NUNEZ	)	

**POSITION OF THE UNITED STATES ON SENTENCING**

The United States, through counsel, hereby submits its position on sentencing, currently scheduled for November 30, 2018. As set forth in the Plea Agreement between the United States and the defendant, the parties agree that a life sentence is the appropriate punishment in this case.

1. Sentencing Guidelines. The Presentence Investigation Report correctly calculates the defendant's offense level as a level 43, thereby resulting in an advisory sentence of life imprisonment. The PSR determined that the Adjusted Offense level total is a level 52, consistent with the stipulation of the parties in paragraph 5 of the Plea Agreement. The underlying factual bases for the base offense level and each of the specific offense characteristics are addressed thoroughly in the PSR (§§ 10 through 36) and the Statement of Facts accompanying the Plea Agreement. Based on these facts, we ask that the Court find that the appropriate advisory guideline sentence is life imprisonment.

2. The 18 U.S.C. § 3553 Factors. The United States and the defendant recommend that the Court impose a sentence of life imprisonment. We submit that a life sentence is

consistent with the factors enumerated in Title 18, Section 3553, which the Court must take into account when imposing its sentence.

Under § 3553(A)(1), the Court must consider the nature and circumstances of the offense and characteristics of the defendant. The Presentence Report fairly describes the offense of conviction, applicable relevant conduct, and the defendant's family background and personal history. Simply put, the defendant had a leadership role in the Sinaloa Cartel, the largest and most violent drug trafficking organization in the world. The Sinaloa Cartel imported tons of cocaine into the United States. It also produced multi-ton quantities of heroin, marijuana, and methamphetamine for importation. These drug shipments generated billions of dollars in profit. Cartel members, some at the direction of the defendant, carried out hundreds of murders, assaults, kidnappings, and other acts of violence. It would be hard to imagine a more egregious drug offense. The nature and circumstances of the offense, standing alone, certainly justify the imposition of a life sentence.

Under § 3553(A)(2), the Court must consider whether a life sentence satisfies four additional factors. First, as discussed above, only a life sentence will reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense. Second, a life sentence will serve to deter others from committing the same or similar offenses. Third, a life sentence will protect the public from further crimes by this defendant. And fourth, a life sentence will provide the defendant with any needed educational or vocational training and any medical or psychological treatment.

For these reasons, and for the reasons set forth in the PSR, we ask the Court to impose a sentence of life imprisonment.

Respectfully submitted,

Arthur G. Wyatt  
Chief, Narcotic & Dangerous Drug Section  
Criminal Division  
United States Department of Justice

Amanda N. Liskamm  
Deputy Chief for Litigation  
Narcotic and Dangerous Drug Section

G. Zachary Terwilliger  
United States Attorney  
Eastern District of Virginia

By: /s/  
James L. Trump  
Assistant United States Attorney  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3726  
jim.trump@usdoj.gov

# CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2018, I filed the foregoing pleading with the Clerk of Court using the Court's electronic filing system, which will serve all counsel of record.

By: /s/  
James L. Trump  
Assistant United States Attorney  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3726  
jim.trump@usdoj.gov